UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,311	09/23/2003	Wayne J. Allen	42P16359	4675

8791 7590 07/13/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
LE, MIRANDA	

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/669,311	ALLEN, WAYNE J.	
	Examiner	Art Unit	
	Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment, filed 05/10/2006.

2. Claims 1-23 are pending in this application. Claims 1, 9, 13, 21 are independent claims. This action is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless:
>
> (e) the invention was described in
>
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
>
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-10, 13, 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Carney et al. (US Patent No. 6,728,768).

Carney anticipated independent claims 1, 9, 13, 21 by the following:

As to claims 1, 13, Carney teaches a method comprising:

querying a file (i.e. GetNext list, col. 6, lines 18-29) that defines a protocol (i.e. a GetNext Request is received, col. 6, lines 27-28) for which protocol support (i.e. protocol GetNext, col. 6, lines 16-17) is to be added to a network traffic tool (i.e. hubs, router (SNMP managed entities-hubs, routers, col. 3, lines 32-40, col. 6, lines 24-58);

determining from the queried file (i.e. to determine the next row for the GetNext request, col. 6, lines 31-33) how packets for the protocols are constructed (col. 6, lines 24-58, col. 9, lines 28-53); and

building a protocol runtime (i.e., a determination is made as to whether the cached GetNext List has been maintained for a predetermined amount of time, col. 6, lines 34-36) specification based on how packets (i.e. data stream, col. 7, lines 53-61) for the protocol are constructed (col. 6, lines 24-58, col. 7, lines 18-41).

As to claims 9, 21, Carney teaches a system comprising:

a storage element (i.e. storing a GetNext list, col. 4, lines 56-57) to store a file that defines protocol for which protocol support is to be added to a network traffic tool (i.e. building a GetNext list, col. 4, line 56);

a translation unit (i.e. interpreter 416 in Fig. 4, col. 7, lines 53-6) coupled to the storage element to query the file to determine how packets for the protocol are constructed and to build a protocol runtime specification for the protocol; (i.e. a determination is made as to whether the cached GetNext List has been maintained for a predetermined amount of time, col. 6, lines 34-36) (col. 6, lines 24-58, col. 7, lines 18-41).

a network interface coupled to the translation unit (Fig. 2); and

a network driver coupled to the network interface (Fig. 2).

As to claims 5, 17, Carney teaches determining from the queried file how packets for the protocol are constructed comprises determining a field type of one or more fields for the protocol (col. 2, lines 10-40).

As to claims 6, 18, Carney teaches determining from the queried file how packets for the protocol are constructed comprises determining a field size of one or more fields for the protocol (col. 6, lines 33-65).

As to claims 7, 19, Carney teaches determining from the queried file how packets for the protocol are constructed comprises determining a default value of one or more fields for the protocol (col. 7, line 52 to col. 8, line 11).

As to claims 8, 20, Carney teaches determining from the queried file how packets for the protocol are constructed comprises determining whether there is a calculation to be performed for one or more fields of the protocol (col. 6, lines 24-58).

As per claim 10, Carney teaches a network interface coupled to the translation unit (Fig. 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-4, 11-12, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. (US Patent No. 6,728,768), in view of Venigalla et al. (US Patent No. 6,766,361).

As to claims 2, 11, 14, Carney does not expressly teach the file is written in an Extensible Markup Language (XML).

However, Venigalla teaches this limitation at col. 11, lines 15-65.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Venigalla's teachings the file is written in an Extensible Markup Language (XML) would have provided Carney's users techniques for using an extensible markup language as a structural component for machine-to-machine communication.

As to claims 3, 12, 15, Carney does not expressly teach determining from the file how to display one or more user interface elements.

However, Venigalla teaches this limitation at col. 11, lines 15-65.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Venigalla's teachings of determining from the file how to display one or more user interface elements, would have provided Carney's users techniques for using an extensible markup language as a structural component for machine-to-machine communication.

As to claims 4, 16, Carney does not expressly teach determining from the queried file how packets for the protocol are constructed comprises determining whether there are one or more protocol encapsulations.

However, Venigalla teaches this limitation at col. 11, lines 15-65.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Venigalla's teachings of determining from the queried file how packets for the protocol are constructed comprises determining whether there are one or more protocol encapsulations, would have provided Carney's users a protocol that incorporates unlimited alternatives as to the structure of content, yet permits efficient searching and transfer of product/service information using machines.

Response to Arguments

7. Applicant's arguments filed 05/10/2006 have been fully considered but they are not persuasive.

Applicant argues that:

(a) Carney's reference does not teach/suggest claim 1's feature of "querying a file defines a protocol for which protocol support is to be added to a network traffic tool".

(b) Carney's reference does not teach/suggest claims 9, 21's feature of "to store a file that defines a protocol for which protocol support is to be added to a net work traffic tool".

The Examiner respectfully disagrees for the following reasons:

Per (a), Applicants seems to asserted that GetNext Request is a message (Remarks, page 7); the Examiner agrees, however, it is noted that this GetNext Request message is not defined within the simple network management protocol, but it includes one or more object instance ("protocol definition", col. 1, line 66 to col. 2, line 9), and it defines a protocol for which protocol support is to be added to a network traffic tool.

Carney teaches:

1) SNMP management has two other components: The structure of Management Information (SIM) and a management information base (MIB), col. 2, lines 10-22.

2) The MIB is a layout or schema for information relevant *(i.e. protocol definition)* to managing networks and their component device, col. 2, lines 10-22.

3) The list in the MIB defines the objects *(i.e. protocol)* that are used to monitor and control the network device, col. 9, lines 19-27.

4) These objects including the plurality of attributes as IPAddress (col. 2, lines 23-39) (i.e. protocol definition) of plurality of protocol as IP, TCP, UDP, and SNMP, col. 3, lines 27-31.

5) MIB objects are static; they're compiled from a text-like description language to a binary form that agents and managing processes can load, col. 2, lines 41-49.

According to the instant specification, paragraph [0016], "The MAC protocol has three defined fields: *destination address, source address, and type*", analogously, the examiner, therefore, equates the plurality of object in the MIB as "a file that defines a protocol...".

Carney teaches GetNext list for querying an OID (object identifier), (col. 7, lines 18-29); MIB objects are static; they're compiled from a text-like description language to a binary form that agents and managing processes can load, col. 2, lines 41-49. Therefore, the Examiner equates an OID to "*a file defines a protocol...*" as recited in claim 1.

Per (b), the Applicants' argument is not persuasive under the same rationale given above to argument (a), further, it is noted that Carney teaches "*protocol support is to be added to a network traffic tool*" as "that information could be saved when the cache was filled and then returned on every access of the OID", (col. 7, lines 18-28).

It also is noted that "*a network traffic tool*" corresponds to hubs, router (SNMP managed entities-hubs, routers, col. 3, lines 32-40).

Therefore, Carney does disclose each and every element recited in Applicant's claims 1, 9, 13, 21. The claim language as presented is still read on by the Carney reference at the cited paragraph in the claim rejections. Consequently, the combination of Carney and Venigalla establish prima facie obviousness of a claimed invention as all the claim limitations are taught by the prior arts.

Arguments as raised are moot since all claim limitations relevant to this issue have been addressed accordingly.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Miranda Le
June 26, 2006

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100